

RAIL-ROAD TRUCKS.

TO THE HONORABLE LUTHER KIDDER, OF THE SENATE OF PENN.
SYLVANIA.

RESPECTED SIR :—Having learned that when addressing the Senate of Pennsylvania, on the bill to reduce the number and expenses of the Canal Commissioners, you took occasion to refer to me by name, as a person who had largely assisted in manufacturing public opinion on the question then under discussion ; and further, that because the Canal Commissioners would not agree to purchase my trucks and planes at such price as I demanded, and there refused to allow me to defraud the Commonwealth—was the sole cause of my opposition to the present Canal Board.

In justice to you I will remark, that I am confident you were *so informed*, and informed by some persons *interested* in misrepresenting the true state of the case. I will first state briefly the history of the introduction of section-boats and trucks. In 1836 I commenced the erection of a line of section-boats, trucks, planes, &c. When I was prepared to use these boats, the *then* Canal Commissioners passed a resolution prohibiting my using the same, as they said the system was *unprecedented* ; during the winter of 1837, this resolution was recinded, and in the spring of 1838 I commenced operations by section-boats ; a few weeks after the navigation was opened there were 40 miles of the Pennsylvania canals rendered useless, so that all the section-boat stock, as well as other stock, in which I was a large owner, was rendered useless and remained unused for this as well as the prior year—the loss for these two years, for one line, amounted to upwards of sixty thousand dollars—the $\frac{2}{5}$ of this loss was *paid by myself*. In the year 1839, our line was successful, and by reason of my heavy losses, I sold my interest in this transportation line, and in order to introduce the system of individual enterprise, by means of section-boats, (owned not by large companies but by individuals,) for this purpose I sold some 20 boats to as many individuals, and placed trucks on the Portage railroad, for the use of these boats. I further extended the privilege to *all* persons who wished to adopt this system, and in 1842, there were upwards of 50 section-boats in use, and a sufficient number of trucks and planes, to carry the same over the Portage railroad. The hire of trucks and planes I gradually reduced from \$2 00 to 80 cents per ton, and this season to 75 cents per ton.

During the session of '42, the Board of Canal Commissioners urged the importance of aiding this system by an appropriation of money by the Commonwealth for the purchase of trucks, and the right to the use of section-boats on railroads. The legislature of Pennsylvania did pass a resolution in relation to the purchase of trucks, *limiting* the amount to \$40,000, and providing that the expenses incurred for that purchase, be paid out of the revenue to be derived from the hire of the trucks. In September 1842, the Canal Commissioners received proposals for building 18 trams of trucks, and authorized the construction of inclined planes at Columbia, Hollidaysburg, and Johnstown, all of which cost upwards of \$63,000 ; an amount more than

\$23,000 greater than *authorized by law*. These trucks and planes were expected to be ready for use on the first of October, 1842, but were not.—Sometime in October, 1842, Mr. John B. Butler called on me, and proposed purchasing my trucks; I made a written proposition to him to sell the trucks that I then had on hand, (and for which I paid upwards of \$18,000;) I proposed to sell for \$15,000. The plane at Hollidaysburg I offered to sell for \$2,500, and to leave the remuneration for my services, in inventing and introducing the system into use, to be determined by the legislature of 1843, or any subsequent year, and proposed to transfer the patent-right to the Commonwealth, with the single condition, that in waiving my legal claim, I placed the compensation solely on the value of the services rendered to this community, leaving the amount of such compensation, if *any*, to be determined by the Representatives of the people. I did not fear a reference to the good sense of the members of the legislature—nor do I, as a citizen of my native State, doubt that in the event of such reference, that I would be paid at *least* the amount that I expended in the early introduction of so expensive an undertaking, and which few could be found to introduce, and which, if not introduced by me, would perhaps never have been introduced into use. I further offered to transfer to the State, free of any charge, all such inclined planes as we had constructed, rather than the State should be put to the expense of building a slip at Hollidaysburg, &c., as our planes, in this event, would be unused and not of any value to us. And further, that a much better means of transfer could be introduced than the inclined planes.

This proposition Mr. Butler did not see fit to accept, and the negotiation was discontinued. Some weeks later, Mr. Butler again called upon me, wishing to purchase or hire my trucks, saying they wished to introduce the *new system*; I enquired *what new system*; he answered the truck system. I told him that it was just as well introduced as he could introduce it; and further, that if the system had depended upon *him*, it never would have been *introduced* into use, or *thought of*. And further, that the expenses already incurred, exceeded the sum limited by *law*, (\$40,000,) and that he had no authority to exceed that sum; and that his proposition to pay out of the rents or hire of my *own* trucks, was just the same as for me to purchase *his farm* and pay him out of the rents, and that I could see no inducement in his proposition—that if I retained my stock, I would have the hire of the trucks and the trucks also.

He then informed me that when the State trucks were ready, that the Superintendent would be directed not to haul my trucks on the State railroads. This I answered was unreasonable, that I could not suppose for one moment that any Superintendent would obey such directions. He replied that if any Superintendent would fail to obey that he should be discharged, and another appointed who would; I declined further conversation on the subject by saying, that I hoped the legislature would pass some such a law as to prevent unpleasant consequences.

In December, 1842, I had an interview with Governor Porter on the great injustice of the contemplated arrangement, and he referred me to the Canal Commissioners, and when I called on the Board on the 21st December, 1842, Mr. J. B. Butler attempted to deny that he had ever said that the Board would direct their Superintendent not to haul my trucks. I was quite astonished at his *duplicity*, and named sundry persons by whom I could *prove* that such was his intention,—all of which I am prepared to prove by several respectable gentlemen whose word he *dare not question*.

But, sir, when I was given to know on what terms I was to be allowed to use my trucks, which I placed on said roads by an express resolution of a former Canal Board, I was really amazed. And, sir, you will agree with me, that a Board of Canal Commissioners (sworn to observe the laws of Pennsylvania, which provide that *uniform rates* of toll *shall* be charged on the railroads and canals of Pennsylvania) should know no difference in cars or boats used by persons engaged in transportation on our state improvements, yet such is not the case; and it was this *unequal, unjust and oppressive* difference in tolls that I and others complain of; and with the most just reason do we complain of the regulation in regard to motive power, requiring cars owned by *myself* and *others* to pay motive power: thus to pay for every 8 cars per trip, \$34.08 *more* than paid by persons using the state trucks, viz: \$7.20 each way on Portage railroad, and \$9.84 each way on the Columbia railroad; and the state receives upward of \$41 per trip less (expenses) than if the trucks were owned by *myself* and *others*—equal to \$75.14 per trip.—In order to exhibit the items which compose this and other sums of money, I will refer you to sundry tables attached to this communication, from which you will perceive that the motive power paid per ton by myself and others is 72-cents on the Portage, and 98 cents and 2 mills on Columbia railroad; and in addition thereto 93 cents and 5 mills motive power on the wheels used under our cars—equal to \$2.67 and 5 mills per ton—whilst the state receives for every ton of freight on board the boats carried on state trucks only \$1.70 and 5 mills; out of which sum the charges and expenses paid for the use of horses, car men, oil, repairs, hauling cars into and out of canal, equal to \$14,700 per annum, which, when divided on the tonnage carried, is equal to 93 cents and 5 mills per ton; which, when deducted from the receipts for motive power, leaves only 76½ cents per ton, whilst we are compelled to pay an amount of motive power equal to \$2.67½ per ton—equal to *three and one half times* as *much* as the state will receive per ton on freight carried on state trucks.

Now, sir, you have been told that a charge is made for trucks in addition to motive power. This charge is specifically appropriated to the payment of trucks and planes which have cost upwards of \$63,000—the cost of which will not be paid within four years—the interest of this sum for four years, if added to the \$63,000, will amount to upwards of \$78,000. The hire received for trucks at 75 cents on Columbia road, and 50 cents on the Portage road, will not amount to \$19,700 per annum. Sir, we demand “equal justice to all, preferences to none;” this is the sort of public opinion I aided in manufacturing, and which an independent legislature responded to.

And what was to be gained by the State becoming the owner of one or two lines of trucks, and by unequal and unjust differences in motive power tolls, reduced to beggary and want, men who had periled there all in placing cars, boats and trucks on the State improvements, under the regulations and according to plans and specifications furnished by the Engineers of this Commonwealth. The State, perhaps, would at the expiration of four years, have paid for 3 planes and 18 trams of trucks upwards of \$135,000; and by reason of this violation of the law requiring the Commonwealth to charge uniform rates of toll, the owners of such cars, boats, ware-houses, &c., would have a just and legal claim to recover, from this Commonwealth, the value of all such stock rendered useless and unsaleable, together with damages amounting, perhaps, to about \$1,000,000.

Now, sir, as a citizen of this Commonwealth I had a perfect and unalienable right to appear here, and in the name of myself and others, enter my protest against oppression inflicted on us. In this I was not alone. Thousands of citizens of this State were indignant in relation to the summary contract for the carrying of passengers over the Columbia railroad.— This contract I have stated was liable to *another construction* than the one given to it by the Canal Commissioners. I there read as follows: that on all way passengers, and persons travelling via Harrisburg railway, and thence over the State railroad, the contractors shall pay *toll* and *motive power*; whilst those who travel from Philadelphia via Columbia to Baltimore, shall only pay the then rates of toll (82 cents.) Now, as there is not one word written specifying the amount to be paid by the contractors on passengers passing up or down the Pennsylvania canal, transported over said railroad, this is left to be inferred. If a person travelling in the direction of Baltimore, pay only one cent per mile, when travelling but 82 miles; those passing westward and paying tolls on 400 miles, would assuredly be permitted to pass for the same, if not a less amount, per mile on the Columbia railroad. The same unequal preference is allowed the contractors on all those passengers as is provided for in favor of the state trucks; that is, the contractors were not *required* to pay motive power equal to 82 cents for every passenger carried to Baltimore as we may to Pittsburg or intermediate points on the Pennsylvania canals, whilst the owners of a passenger line of boats would have to pay these contractors two dollars on every through passenger, and on all way passengers two dollars and eighty-seven cents. Does not this create a monopoly? Does not this contract give the parties in this contract, or such of them as may be interested in passenger boats, an undue advantage over such passenger lines as might attempt to compete for the passenger travel? I am of opinion it does. There is a *mystification* in this contract, there is a *meaning* and an *effect, disguised* but not *concealed*, under the provision in relation to passengers from Philadelphia to Columbia and Baltimore. On these passengers the contractors shall *only pay the present rate of tolls* (82 cents.) Does the contract say *one* word in regard to the payment of motive power, as it does when fixing the charge to be paid on way passengers, or on such as would pass over the Harrisburg railroad? It does not; and, sir, at the price of \$3.50, the limited price of fare to be charged on Baltimore passengers, the contractors could not afford to pay toll and motive power, (\$1.64) when the Baltimore fare to be paid by the contractors is \$2.00, the charge for crossing the Columbia bridge 12½ cents, and if to this you add 41 cents, the charge for use of their cars, it will amount to \$4.17½, or equal to a loss of 67½ cents per every passenger, under this construction of the contract. But construe this contract as it *only* can be construed, that the contractors shall *only* pay the present rates of *toll*, (82 cents) and there will be 56 cents for use of cars.

But, sir, there was no other reason for the insertion of a clause in relation to Baltimore passengers *only to mystify the real intent and meaning*. Who, I ask, would travel via Columbia from Baltimore to Philadelphia, a distance of over 150 miles, and pay \$3.50, when the Baltimore and Wilmington railroad company was charging \$2.00 in the evening train from Philadelphia to Baltimore, distance 100 miles. Was there no design in this contract? Is this the most fair, plain and just contract these Canal Commissioners could make? No, sir; the contractors *were the peculiar favorites* of these Canal

Commissioners, and the meaning that I adduce is the same as I adduced from the provision in relation to motive power on State trucks, viz: that *no motive power was intended to be charged* on truck wheels or on passengers travelling from Philadelphia to Baltimore via Columbia, and to Pittsburg or intermediate places. It may be that this is the object in continuing *their* charges for motive power on freight, which is really twice as much as the motive power will cost the Commonwealth; and ought to be reduced at least one-half of the present charge. But this is a fund that these Canal Commissioners are desirous to keep within their own control, to be used to advance the interests of some to the great injury of others, and the prostration of the best interests of this Commonwealth.

Sir, I have annexed a statement made by me, in which I exhibit a loss to the Commonwealth (compared with the tolls and motive power as charged in former years.) This exhibit shews a *loss* of upwards of \$50,000 per annum to the State, and a *gain* under this construction of the contract to the contractors, of upwards of \$140,000, and an interest in a monopoly of the remainder of the 400 miles of our canals. To what purpose a favored monopoly might not have turned these advantages—what its effect might have been on the liberties of this Commonwealth, in the hands of men who, under the specious pretext of advancing the public good, already lay claim to your support, and whose reports are intended to mystify and deceive the representatives of the people. I, sir, am one of those who sincerely believe that a low rate of tolls, and aided by individual enterprize, will secure to this State the carrying trade of the Great West. It is a like conviction which may have induced a certain Canal Commissioner to attempt to claim the honors which belonged of right to another. An honest and enlarged policy, in regard to our State works, must have a tendency to elevate the credit and prosperity of this Commonwealth; and such a desirable result would have elevated the character of the Executive of this State in the estimation of the citizens of other States of this Union, and might, with active management, have succeeded in securing his nomination as Vice President of these United States in 1844. But certain persons who have insinuated themselves into his confidence, have, by their attempts to build up for themselves a character to which they had no just claims, succeeded in bringing their *patron* into *great* discredit, and periled the loss of the whole investment made in the construction of the most magnificent line of works ever designed by a nation in its infancy. The tyrannical acts of the present Canal Board has done more to destroy public confidence in relation to our State works, than all others put together. They have driven the last nail in the coffin of public confidence, and we are now forced to part with what once was the *pride* and *boast* of Pennsylvania. Sir, my voice has ever been raised against a sale of the State works, but when I am called upon either to part with the same, or suffer them to be used as an engine by which to break down the liberties of my country, by designing men, I can no longer hesitate as to what is now to be done.

Now, sir, it grieves me as much as it would you or any other person, to be compelled to sever the political and friendly ties that entwined us to Gov. Porter; but, sir, the people know that he must be held accountable for the official acts of members of his cabinet. The people of this Commonwealth demand that you *should* no longer permit those men to continue to deceive *him* and oppress *them*, by placing the appointing power now in the hands of

their representatives, and hereafter in their own. They demand that he be not led into temptation.

Now, sir, what comes of your charge of my attempt to defraud the Commonwealth, in wishing to sell my trucks for \$15,000, and bestowing on the State my inclined planes and my claim for the exclusive right to the new system. Sir, I would not have been benefited by such a sale; instead of having the means of supporting my family and paying my creditors, I would have a credit on the books of the Auditor General of this Commonwealth, worth about 40 cents on the dollar, if worth anything at all. My opinion is that the claim would not have been legal, as this sum added to the other expenses then incurred, would have swelled the amount to about \$80,000; that is, these Canal Commissioners had disregarded this law, and would have transcended their authority, not only \$25,000, as they have done, but \$40,000, if I had consented to assist them in this fraud on the Commonwealth. Now, sir, I assure you that no notice was given me as to any valuation of my stock; I had no voice in selecting these arbiters, and the valuation was held 40 miles distant from where I resided, and where I then was; and in the absence of the trucks, as many of them were at Hollidaysburg, some in use on the railroad, and only a part at Johnstown, where this valuation was said to have been held. But I, sir, was under no obligation to sell my trucks against my consent; all I want is equal rates of toll and motive power, and I can successfully compete even with the state of Pennsylvania or its agents. Individual enterprize is my motto.

It has suited some men to slander me. This I am used to. It is the fate of every man who will dare to be independent, or who may desire to introduce improvement in any branch of business. All such innovations must interfere with the interests of many, and lead to misrepresentation. Of such injustice I would not complain, if my silence would affect only myself; I am willing to await the award that awaits truth. But when my silence might prejudice a great public good, it would be wrong in me to hold my peace.

Respectfully

Yours, &c.

JOHN DOUGHERTY.

COST OF INCLINED PLANES, TRUCKS, &c.

Eighteen trams, trucks,.....	\$36,000
Errors and defects in plan of Engineer,.....	3,600
Transportation on trucks,.....	500
Services of two Engineers	2,000
Plane at Johnstown.....	4,250
Additional.....	750
Plane at Columbia.....	6,000
Plane at Hollidaysburg, not less than.....	10,000
	\$63,100

ANNUAL EXPENSES OF PLANES TO THE COMMONWEALTH.

Six horses and two drivers per day, 250 days, at Johnstown.....	\$1,500
Six horses and two drivers at Hollidaysburg.....	1,500
Three horses and one driver at Columbia.....	750
Expenses of steam engine at Columbia.....	750

Six car-men to oil and attend trucks	1,500
Oil, 50 cents per boat on each railroad.....	900
Three Agents, Columbia, Hollidaysburg and Johnstown, \$500 each....	1,500
Repairs of stock, 10 per cent. on \$63,000.....	6,300
	\$14,700
Interest on investment.....	3,780
Cost per annum.....	\$18,480

REVENUE FROM TRUCKS.

Seventy tons per day, 225 days at \$1 25 per ton.....	\$19,687 50
The time required to pay for cost of trucks, &c., 4 years, at \$18,480 per annum.....	73,920 00
Four years rent at \$19,687 50 per year.....	78,750 00
Cost to the State in 4 years will amount to, for expenses.....	73,920 00
Difference in motive power on wheels, 225 days, at per day \$34.08 per boat, or \$68.06 per day \$15,336 00 × 4 years =	344 00
	\$135,264 00
Value of stock at end of 4 years, viz: 3 planes, worth.....	00,000 00
Eighteen tram trucks, half worn.....	18,000 00
Loss in 4 years.....	\$117,264 00
[Exclusive of damages to be paid old lines, and infringement of patent right, say one million dollars in all.]	

DIFFERENCE IN MOTIVE POWER FOR TWO BOATS PER DAY.	
Portage railroad \$7.20..... 4 boats.....	\$28 80
Columbia railroad 9.84..... 4...do.....	39 36
	\$68 16

EXPENSES PER TON.

225 days, 70 tons per day, in one year amounts to.....	\$15,750 00
(equal to 98 cents 2 mills per ton.)	

AMOUNT OF MOTIVE POWER PER TON PAID BY OTHER THAN THOSE USING STATE TRUCKS.

Motive power per ton on Allegheny Portage railroad....	72.0 cents per ton.
Do do Columbia railroad.....	98.2 do per ton.
Motive power per ton on wheels.....	.93.5 do per ton.
State receives.....	\$2 63.7

MOTIVE POWER PAID BY STATE TRUCKS PER TON.

Motive power on Allegheny Portage railroad ..	72.0 cents per ton.
Motive power on Columbia railroad.....	98.2...do....do.
	\$1 70.2
Deduct expenses per ton paid by State, (see above,).....	98.0 per ton.
Leaves only 72½ cents per ton for Motive power.....	72.2

Owners of cars pay as follows per ton,.....	\$2 63.7 per ton.
State trucks pay per ton.....	\$1 70.2 Motive power..do.
Less expenses	98.0

72.2 per ton.

[We pay three and a half times as much to the State, for Motive power, as the State receives from State trucks per ton.]

Under the former rates of fare the State received for passengers as follows, computing the travel at one hundred daily, each way, for three months, and two hundred passengers per day, each way, for nine months, and in same proportion for a greater or less number of passengers.

OLD RATES.

Four hundred passengers per day, 270 days, at \$1 64....	\$177,120 00
Two.....do.....do.....do.....90..do 1 64.....	29,552 00
Add toll and motive power on passenger and baggage cars, equal to 50 to 60 per day.....	21 000 00
	\$227,672 00

NEW RATES PER CONTRACT.

100 way passengers at 3 cents per mile \$2 46 each..	\$88,560 00
300 through passengers paying (no motive power) 82 cents.....	88,560 00
	\$177,120 00
State loss per annum.....	\$50,552 00

VALUE OF CONTRACT—EXPENSES OF, AND RECEIPTS.

100 way passengers, 41.....	\$11,070 00
100 Pittsburg p. g. 118.....	31,860 00
200 from intermediate places \$2 05.....	110,700 00
	\$153,330 00

DEDUCT EXPENSES.

Ten per cent. on stock,...	\$2,000 00
Four car-men....	1,200 00
Two clerks.....	800 00
Oil.....	365 00
Rent at Philadelphia	1,000 00
Rent at Columbia.....	500 00
Hauling cars, stationary, &c.....	4,000 00
	\$9,865 00
Profit per annum.....	\$143,465 00